

DATE: April 7, 2011

MEMO CODE: CACFP 16-2011

SUBJECT: Child Nutrition Reauthorization 2010: Varied Timing of
Unannounced Reviews in the Child and Adult Care Food Program

TO: Child Nutrition Programs

The Healthy, Hunger-Free Kids Act of 2010 (the Act), Public Law 111-296, modified the requirements pertaining to sponsoring organization (sponsor) facility reviews in the Child and Adult Care Food Program (CACFP). The purpose of this memorandum is to provide guidance on the implementation of these modifications.

Section 331(b) of the Act amends section 17(d)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(d)) to require that sponsors vary the timing of unannounced reviews so they are unpredictable to sponsored facilities. Current regulations require sponsors to conduct three reviews per year, two of which must be unannounced. One of the unannounced reviews must include observation of a meal service. No more than six months may elapse between reviews (7 C.F.R. §226.16(d)(4)(iii)).

Unannounced reviews are an effective tool in ensuring Program integrity. They give sponsors the opportunity to document how the facility operates on any given day and to offer technical assistance. In addition, they offer a first-hand opportunity to detect and identify areas of mismanagement, such as inaccurate meal counts, problems with recordkeeping, and menu and enrollment discrepancies, and allow sponsors to initiate immediate corrective action.

However, unannounced reviews that follow a consistent pattern (for example, unannounced reviews that always occur during the third week of January, the third week of May, and the third week of September, or reviews that never occur during the first week of the month when claims are being processed) undermine the intent of the Program's unannounced review requirements. Sponsors are less likely to uncover management deficiencies and Program abuse if facilities can anticipate when their "unannounced" sponsor review is due to occur.

Therefore, sponsors now must ensure that the timing of unannounced reviews is varied in a way that would ensure they are unpredictable to the facility. To ensure timely compliance, State agencies (SAs) should inform sponsors about this new requirement as soon as possible.

In addition, beginning October 1, 2011, SAs must, as part of their reviews of sponsoring organizations, evaluate the timing and pattern of the facility reviews conducted by the sponsor to ensure that they are not predictable, and are in compliance with this requirement.